

Chapter 18.10

INTEGRATED PROJECT REVIEW PROCESS

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18.10.010 Intent and general provisions.

The intent of this chapter is to establish procedures for implementing the provisions of Chapter 36.70A RCW regarding compliance, conformity, and consistency of proposed projects with adopted comprehensive plans and development regulations. This chapter is enacted pursuant to the Washington state legislature requirements under the Regulatory Reform Act and Chapters 36.70A, 36.70B, 36.70C, 43.21C, and 58.17 RCW.

Unless otherwise indicated in this chapter, the applicant shall be responsible for the initiation, preparation, submission, and expense of all required reports, assessments, studies, plans, reconnaissance, peer review by qualified consultants, and other work prepared in support of or necessary to review the application.

In the interpretation and application of this chapter, the provisions of this chapter shall be considered to be the minimum requirements necessary, shall be liberally construed to serve the purpose of this chapter, and shall be deemed to neither limit nor repeal any other provisions under state statute. (Ord. 995 § 12 (Exh. A), 2015).

18.10.020 Site plan review committee.

The site plan review committee shall be comprised of the community development director, the public works director, and other members as appointed by the city administrator or his/her designee. The site plan review committee reviews all applications for land development to ensure compliance with all city development regulations. (Ord. 995 § 12 (Exh. A), 2015).

18.10.030 Application and interpretation.

A. Application. This chapter describes how the city will concurrently process applications for development subject to review under the Unified Development Code, this title.

B. Interpretation. The community development director or his/her designee shall review project applications as follows:

1. For consistency with Yelm's comprehensive plan, the standards of this title, and any adopted development and design guidelines;
2. To identify specific project design and conditions relating to mitigation; and
3. To make decisions on permits based upon the record established at the public hearing, if one is held. (Ord. 995 § 12 (Exh. A), 2015).

18.10.040 Consent to inspection.

The applicant shall provide sufficient and reasonable access to the property, to enter upon and inspect as reasonably necessary to process the application. (Ord. 995 § 12 (Exh. A), 2015).

18.10.050 Project categorization.

Once an application is received, the community development department determines the project's categorization, and shall follow the review process as described below.

A. Ministerial. Projects allowed outright by the underlying zoning district and are of such a scale and character that they do not require public notice or hearings. These projects are subject to clear and objective standards and may require professional technical judgment.

B. Administrative. Projects allowed outright by the underlying zoning district and are of such a scale and character that they may cause impacts to the surrounding neighborhood or to city services that may require mitigation. Administrative projects require public notice, but do not require an open record pre-decision hearing. These projects are subject to objective and subjective standards, about which there may be limited public interest, and which may require discretion about nontechnical issues.

C. Quasi-Judicial. Projects that are of such a scale and character that they may be incompatible with the surrounding neighborhood or to city services that may not be able to be fully mitigated. Quasi-judicial permits require public notice, an open record pre-decision hearing, and allow for a closed record appeal. These projects require substantial discretion, and may have broad public interest.

D. Legislative. Projects that entail the creation of new policies or codes that require significant public input. Legislative projects require an open record pre-decision hearing. These projects have broad public interest. (Ord. 995 § 12 (Exh. A), 2015).

18.10.060 Determination of completeness.

A. Within 28 days of receipt of an application, the city shall notify the applicant that the application is complete or what specific information is required to complete the application.

Within 14 days of receipt of additional information from the applicant, the city shall notify the applicant that the application is complete or remains incomplete.

Notices may be sent via electronic mail or first class mail. (Ord. 995 § 12 (Exh. A), 2015).

18.10.065 Determination of completeness for certain applications.

A. Wireless communication facilities.

For wireless communication facilities, the city must provide written notice to the applicant within ten (10) days of receipt of the application, specifically delineating any missing documents or information required in the application.

18.10.070 Permit vesting.

A valid and fully complete ministerial, administrative, and quasi-judicial permit application, and/or developer agreement establishes the point of vesting of development rights. (Ord. 995 § 12 (Exh. A), 2015).

18.10.080 Notice of application.

A. When Required. All administrative and quasi-judicial project permit applications require issuance of a notice of application.

B. Content. All notices of application shall contain a description of the proposed project, including the dates of its application and determination of completeness; the date, time, place, and type of action for the project; the method to comment upon and/or appeal the project; identification of other known permits needed; identification of existing environmental documents; and the threshold determination pursuant to the State Environmental Policy Act, if applicable.

C. Timing. A notice of application is distributed within 14 days after the determination of completeness, and provides for a comment period of 15 days following the date of the notice of application.

D. Notice of Application Methods. Distribution of the notice of application will be by the following methods.

1. Electronic mail, or first class mail to affected city departments, state or federal agencies having jurisdiction, affected tribal governments, and to the applicant and/or the applicant's representative.
2. First class mail to all property owners of record within 300 feet of the subject project's boundaries.
3. Publication in a newspaper of general circulation in the city.
4. Other noticing requirements that may be required by state or federal statute.

E. Special Considerations.

1. Administrative Subdivision. Within 10 days of determination of completeness, notice shall be posted on or around the land proposed to be subdivided in at least five conspicuous places designed to attract public awareness of the proposal. The notice shall include notification that no public hearing will be held on the application unless requested within 21 days from the date of the notice, and set procedures and time limitations for persons to require a public hearing and make comments.
2. Secure Community Transition Facilities. In addition to the methods listed above, notice shall be provided via first class mail to all property owners of record within 1,000 feet of the subject project's boundaries.
3. Conceptual and Final Master Site Plans. In addition to the methods listed above, notice shall be provided via first class mail to all property owners of record within 1,000 feet of the subject project's boundaries. (Ord. 995 § 12 (Exh. A), 2015).

18.10.090 Final decision and notice.

All final decisions shall include procedures for appeal. A final decision may consist of a letter of approval for ministerial projects, or a permit approval or a decision at a hearing for administrative, quasi-judicial, and legislative projects.

A. Timing.

1. A final decision must be issued within 120 days after the notice of complete application is issued; provided, that this does not include any time taken:
 - a. By the applicant to submit additional information required for the review of the project;
 - b. For the preparation of an environmental impact statement; or
 - c. To process and decide administrative appeals provided they do not exceed 90 days for an open record appeal hearing or 60 days for a closed record appeal.
2. The 120-day limit does not apply to legislative projects.

B. Special Considerations.

1. Preliminary Subdivision. A final decision for preliminary subdivisions shall be issued within 90 days after the notice of complete application is issued.
2. Final Subdivision. Final subdivisions will be approved, disapproved or returned to the applicant within 30 days from the date of submitting the final subdivision application to the city. (Ord. 995 § 12 (Exh. A), 2015).

3. New Wireless Communication Facility. A final decision for a new wireless communication facility shall be issued within 90 days after the notice of complete application is issued.

4. Co-location or limited modification of an existing wireless communication facility. A final decision for the co-location or limited modification of an existing wireless communication facility will be issued within 60 days.

18.10.100 Appeals.

A. Appeals of Administrative Determinations. All ministerial and administrative project permit decisions, and any administrative determination that terminates review may be appealed to the hearing examiner at an open record appeal hearing.

B. Appeals of Hearing Examiner Decisions. All final decisions of the hearing examiner may be appealed to the city council at a closed record appeal hearing.

C. Judicial and State Board Appeals. All final decisions of the city council may be appealed pursuant to the time limits, methods, procedures and criteria for review of land use decisions by the courts or by a quasi-judicial body created by state law, such as the Growth Management Hearings Board.

D. Appeal of State Environmental Policy Act Threshold Determinations.

1. Determination of Nonsignificance (DNS). There is no local administrative appeal of a DNS.
2. Determination of Significance (DS). An appeal of a DS or the scope of the environmental impact statement may occur before a final decision. The hearing examiner shall decide the appeal at a closed record appeal hearing.
3. Mitigated Determination of Nonsignificance (MDNS).
 - a. For projects requiring a public hearing, the appeal shall be consolidated with the underlying permit.
 - b. For projects that do not require a public hearing, the appeal must be made together with an appeal of the underlying permit of the MDNS.

E. Standing to Appeal. Appeals may be initiated by:

1. The applicant and/or the owner of property to which the decision is directed;
2. Another person aggrieved or adversely affected by the decision, or who would be aggrieved or adversely affected by a reversal or modification of the decision. A person is aggrieved or affected within the meaning of this section only when all the following conditions are present:
 - a. The land use decision has prejudiced or is likely to prejudice that person;
 - b. That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
 - c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
 - d. The petitioner has exhausted his/her administrative remedies to the extent required by law.

F. Content of Appeal. Appeals must be in writing, be accompanied by the appeal fee established by the city council, and contain the following information:

1. Appellant's name, address, and phone number;
2. A statement describing the appellant's standing to bring the appeal;
3. Identification of the decision that is the subject of the appeal, including date of the decision being appealed;
4. A specific statement of the grounds for the appeal and the facts upon which the appeal is based;

5. The relief sought; and

6. A statement that the appellant has read the appeal and believes the contents to be true and correct, signed by the appellant.

G. Timing of Appeal. All appeals must be filed within 21 days from the date of the decision being appealed.

H. Requests for Reconsideration. Requests for reconsideration to the hearing examiner or city council are not authorized.

I. Stay. A timely appeal stays the effective date of the decision until the matter has been resolved at the city level. (Ord. 995 § 12 (Exh. A), 2015).

18.10.110 Application requirements.

Each application shall contain the following information in clear and intelligible form:

A. A complete description of the proposed development;

B. The names, addresses and telephone numbers of the owner(s) of the land; the applicant; the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan; and of any authorized representative of the applicant;

C. Names and addresses of owners of record of land within 300 feet of the parcel(s) proposed for development, and within 300 feet of contiguous property in the same ownership;

D. Site address and legal description, including parcel numbers of all lands included in the development, and total acreage;

E. Vicinity sketch showing the location of the site and its relationship to surrounding areas;

F. The proposed use or uses of the land and buildings, and number of square feet in gross floor area for each commercial and industrial use;

G. Copy of covenants or other restrictions applying to or proposed to encumber or be imposed upon the site;

H. A site plan drawing or drawings at a scale of not less than one inch for each 50 feet which shall include or show:

1. The location of all existing and proposed structures, including, but not limited to, buildings, building setback lines, fences, culverts, bridges, roads and streets on the subject property;

2. The boundaries of the property proposed to be developed;

3. All areas, if any, to be preserved as buffers or to be dedicated to a public, private or community use or for open space under the provisions of this or any other city ordinance, and information regarding percentage of area covered;

4. Preliminary landscaping;

5. All existing and proposed easements;

6. The locations of all existing and proposed utility structures and lines, and the location of any wells and underground storage tanks on or within 100 feet of the site;

7. The stormwater drainage systems for existing and proposed structures;

8. All means of vehicular and pedestrian ingress and egress at the site and the size and location of driveways, streets and roads;

9. The location and design of off-street parking areas showing their size and locations of internal circulation and parking spaces;
10. The location of all loading spaces, including, but not limited to, truck loading platforms and loading docks;
11. A grading plan for any cuts and/or fills collectively exceeding 100 cubic yards, exclusive of cuts and fills solely for streets or utilities. Such plan shall include the extent and nature of proposed cuts and fills and information on the character of the soil and underlying geology;
12. Location and area, in square feet, of all signs;
13. Topographic map or maps that delineate contours, both existing and proposed, at intervals of two feet, and which locate existing streams and forested areas, and the location of all areas subject to flooding with any proposed flood control facilities or improvements;
14. The location of other natural features such as rock outcroppings and marshes;
15. The boundaries of any natural resource lands or critical areas as defined by the city;
16. The proposed number of square feet in paved or covered surfaces, whether covered by buildings, driveways, parking lots or any other structure covering land; and the total amount of square feet in the entire proposed development site; and
17. The proposed number of dwelling units in the development, if applicable;

I. Building elevations, perspective renderings or such other graphic material or evidence to illustrate effect on the view enjoyed by and from other properties in the vicinity;

J. The appropriate application fee(s). (Ord. 995 § 12 (Exh. A), 2015).

18.10.120 Additional application requirements for certain applications.

In addition to the application requirements above, additional information is required for certain specific applications, as follows.

A. Building Permits.

1. The name, address and phone number of the prime contractor;
2. Either the name, address and phone number of the office of the lender administering the interim construction financing, if any, or the name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than 50 percent of the total amount of the construction project;
3. Plans, specifications and reports, as required by Chapter 18.23 YMC.

B. Sign Permits.

1. Location of the sign structure, drawings or photographs showing the design and dimensions of the sign and details of its proposed placement.
2. Indicate primary, secondary and if available third and fourth walls and such other pertinent information as the community development department may require.
3. Applications for digital messaging signs shall indicate how compliance with YMC 18.62.050 is achieved.

C. Civil Plan Review.

1. Plans, specifications and reports, as required by the Yelm Engineering Specifications and Standard Details.

D. Wireless Communications Facilities (WCF).

1. The proposed color(s) of the facility including antennas.
2. A statement signed by the applicant and landowner indicating that:
 - a. For freestanding WCFs, the applicant and landowner agree they will diligently negotiate in good faith to facilitate co-location of additional WCFs, by other WCF providers, on the applicant's structure; and
 - b. For all WCFs, the applicant and landowner agree to dismantle and remove the WCF and restore the site within one year after abandonment.
3. Documentation that the WCF will not cause substantial noise or interference with electrical, transmission or reception functions or cause similar disturbances.
4. If applicant is also the WCF provider, proof that the applicant is licensed by the FCC, or not required to be licensed.
5. If the applicant is not the WCF provider, proof of lease agreements with an FCC licensed WCF provider if such provider is required to be licensed by the FCC.
6. Except for a co-location proposal, documentation that there are no co-location possibilities as an alternative to installation of the WCF. At minimum, this requires an assessment of any existing towers that have the location, as well as the existing or potential height, structural capability and equipment structure area, to serve the applicant's needs, a written request to those tower owners to co-locate on their facilities, and a good faith effort to work with those tower owners to co-locate.
7. Information identifying the radio frequencies to be received, transmitted, or relayed from the facility, and technical documentation demonstrating compliance with FCC standards for electromagnetic field strength in the form of power density expressed as micro-watts per square centimeter.
8. Documentation that the WCF antenna and support structure are safe and the surrounding areas will not be negatively affected by WCF failure, falling ice, or other debris or interference.

E. Freestanding Wireless Communication Facilities.

1. The reasonably calculated distance between the freestanding WCF and the nearest residentially zoned property and the nearest property with an existing residence.
2. A statement signed by the applicant stating the freestanding WCF will comply with all Federal Aviation Administration (FAA) regulations.
3. A statement signed by the applicant documenting that the freestanding WCF will accommodate the co-location of at least two additional antennas for future users, or an explanation of why such design is not feasible for technical or physical reasons.
4. Documentation that adequate security measures will be provided, including anti-climbing devices.
5. Aerial test photos (e.g., balloon) from all four directions off-site, from close proximity to the front and rear of any residence on adjacent properties, including across any roadway fronting the subject property, and from the boundary line of any adjacent jurisdiction within two miles of the site.
6. Method and color of fencing and, if applicable, the method of camouflage and illumination.

F. Preliminary Subdivisions.

1. A map of the proposed subdivision drawn upon one or more sheets with a maximum size of 18 inches by 24 inches; these sheets shall show specifically and clearly the following features and information:

- a. The plat datum, north arrow, date, and scale at one inch equals either 50, 100, or 200 feet.
- b. The boundary lines of the property to be divided and names of adjacent subdivisions, streets, and boundary lines of adjacent parcels.
- c. The boundaries of existing adjacent or internal lots, blocks and streets shown with dotted lines.
- d. The boundaries and purpose of parcels of land intended to be dedicated or temporarily reserved for public use or to be reserved for common use of property owners or residents of the subdivision, along with any conditions or limitations of such dedications or reservation clearly indicated.
- e. Location and type of existing and proposed street lighting.
- f. Location of any trees and natural features and whether they are to be preserved.
- g. The location and size of all existing sewers, water mains, culverts and other public or private underground installations within and adjacent to the subdivision.
- h. Location, widths and names of all existing and proposed streets, sidewalks, railroads, power lines, telephone lines within or adjacent to the proposed subdivision.
- i. The grade and curve radii of curves of existing and proposed streets within the plat boundary and within 300 feet of the subdivision.
- j. The layout and dimensions of existing and proposed street and alley rights-of-way, utility and access easements and lots and blocks.
- k. The location of other significant features such as city limits, section lines and section corners.
- l. Existing and proposed survey and elevation monuments.

G. Planned Residential Developments.

1. Front and side elevations, and exterior architectural treatments.
2. Program for development including estimated staging or timing of development, including build-out data to be submitted to the city and to the applicable school district for each year during the construction period.
3. Proposed ownership pattern upon completion of development.
4. Basic content of restrictive covenants.
5. Provisions to assure permanence and maintenance of common open space through homeowner's association formation, condominium development or other means acceptable to the city.
6. Statement describing the relationship of the proposed planned residential development to the Yelm comprehensive plan.

H. Conceptual Master Planned Communities.

1. The acreage contained within the proposed master plan area, the number of dwelling units proposed, and the number of dwelling units per acre of land proposed.
2. The total acreage of nonresidential uses proposed, by type of use.
3. Applicable school district(s), fire district(s) or departments and other special purpose districts.
4. General description of options for source(s) of water supply, method(s) of sewage disposal, methods of stormwater control and means to handle hazardous materials and hazardous waste if applicable.

5. Conceptual plan and supporting maps. Generalized proposed land uses including:

- a. Potential uses.
- b. Range of densities and housing types.
- c. Phasing of development.

6. Multimodal transportation plans, with proposed major routes, points of ingress and egress and the relation to existing and proposed area transportation facilities.

7. Existing site conditions including watercourses, wetland area, floodplains, unique natural features, forest cover, steep slopes and elevation contours of appropriate intervals to indicate the topography of the entire tract for a reasonable distance beyond the boundaries of the proposed development to include adjacent or nearby lands where project impacts are relevant.

I. Final Master Planned Community.

1. The acreage contained within the proposed master plan; the total number of dwelling units being proposed; and the average number of dwelling units per acre of land.
2. The number and acreage of each type of dwelling units proposed.
3. The acreage of open space (including a separate figure for active recreation space) to be contained in the master plan, and the percentage it represents of the total area.
4. The total acreage of each type of nonresidential use, including the approximate floor area and type of commercial and industrial uses.
5. The source of water supply, including the specific type of facilities involved, their capacities and the estimated timing of completion of these facilities.
6. The method of sewage disposal, to include the name of sewer operator, if any, including the specific type of facilities involved, their capacities and the estimated timing of completion of these facilities.
7. A plan for hazardous waste control if appropriate, including the specific type of facilities involved, their capacities and the estimated timing of completion of these facilities.
8. Applicable school district(s), fire district(s) or department(s) and other special purpose districts.
9. A development schedule indicating the approximate date when construction of the master plan or stages of the master plan can be expected to begin and be completed, including the approximate size in acres of each phase, and the proposed phasing of construction of public improvements and recreational and common open space areas.
10. The proposed means of financing and allocation of responsibility for providing the utilities and services required as a result of the development, including off-site facilities and improvements. These utilities and services shall include, but not be limited to, water, sewer, streets and highways, schools, fire protection, parks, stormwater control and disposal of wastes, including toxic wastes, if any.
11. The means of meeting any other requirements imposed as a condition of conceptual approval of the master plan.

J. Mixed Use Development.

1. A written statement providing the following information:
 - a. Program for development including staging or timing.

- b. Proposed ownership pattern upon completion of development.
- c. Basic content of restrictive covenants, if any.
- d. Provision to assure permanence and maintenance of open space through means acceptable to the city.
- e. Statement of tabulation of number of persons to be employed, served or housed in the proposed development.
- f. Statement describing the relationship of the proposed development to Yelm's comprehensive land use plan.
- g. Statement indicating availability of existing or proposed sanitary sewers.
- h. Land use and architectural guidelines to be used by the city and the associated architectural review authority to apply to future buildings.

K. Final Subdivisions, Short Subdivisions, Administrative Subdivisions, Subdivision Alterations, and Binding Site Plans.

1. Each application for a final land division shall contain the following information. Specific items may be waived by the community development department if deemed such information to be irrelevant or not applicable to a particular application.

- a. Names, addresses and phone numbers of the owner, applicant, engineer and/or surveyor.
- b. A copy of any deed restrictions to be applicable to the subdivision.
- c. A copy of any separate dedication documents.
- d. Documentation of acreage to the nearest hundredth of each lot of one acre or more and square footage of each lot of less than one acre, and mathematical boundary closure of the subdivision, of each lot and block, of street centerlines, showing the error of closure, if any.
- e. A map on one or more sheets with, at minimum, the following content:
 - i. The date, scale, north arrow and legend.
 - ii. Controlling topography and existing features such as streams, streets and railroads.
 - iii. Legal description of the subdivision boundaries.
 - iv. A complete survey of the section or sections in which the subdivision is located, or as much thereof as may be necessary to properly orient the plat within such section or sections, including reference points and lines of existing surveys identified that relate to the plat including:
 - (A) All stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision. If a section breakdown is required to determine the boundaries of the subdivision, such section breakdown shall be shown. Location and monuments found or reset with respect to any established centerline of streets adjacent to or within the proposed subdivision. All other monuments found or established in making the survey of this subdivision or required to be installed by provisions of this title division.
 - (B) Adjoining corners of adjoining lots, blocks, and subdivisions.
 - (C) Section and donation land claim lines within and adjacent to the subdivision.
 - (D) The exact location and width of streets and easements intersecting the boundary of the tract.

(E) Tract, block and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearings or deflection angles, radii, arcs or central angles, points of curvature and tangent bearings. Tract boundaries, lot boundaries and street bearings shall be shown to the nearest second with basis of bearings. All distances shall be shown to the nearest one-hundredth foot.

(F) The width and location of existing easements and rights-of-way and of easements and rights-of-way being dedicated.

f. Prominent lot and block numbers beginning with number "1" and numbered consecutively without omission or duplication in a given block or subdivision and so placed as not to obscure any figure. Block numbering shall be a continuation of blocks in any contiguous subdivision of the same name.

g. Land parcels to be dedicated to any public or private purpose shall be distinguished from lots intended for general development.

h. Net acreage to the nearest hundredth of lots containing one acre or more.

2. The land division map shall include the following statements, which may be combined where appropriate:

a. Approval signature blocks for the city, to include the mayor, attested by the city clerk, the public works director and the community development director, except short subdivision maps do not require mayor signature.

b. An acknowledgment before the auditor or another officer who is authorized by law to take acknowledgment of deeds by the person filing the plat or a certificate of the acknowledgment annexed to such plat and recorded therewith.

c. A certificate of consent to the preparation and recording of the plat with the acknowledged signature of all parties with any record title interest in the land being subdivided.

d. A certificate dedicating all parcels of land shown on the final map intended for any public use with the acknowledged signature of all owners of the subdivision.

e. A certificate with the seal of and signature of the surveyor responsible for the survey and final plat.

f. Certification from the county treasurer that all taxes and assessments for which the property may be liable have been duly paid, satisfied or discharged as of the date of certification.

g. Certification of examination and approval by the county assessor.

h. Certification of title by a title insurance company, dated not more than 30 days prior to final plat application, with the names of all persons whose consent is necessary to effectively dedicate proposed streets and other easements.

3. All final subdivision maps shall be drawn in accordance with the following standards:

a. The final map shall be clearly and legibly drawn in permanent black ink.

b. The scale of the map shall be one inch equals either 50, 100, 200, or 400 feet; the appropriate scale to be determined on the basis of the area of the subdivision.

c. Lettering shall be at least 3/32 of an inch high.

d. The perimeter of the plat or subdivision being recorded shall be depicted with heavy lines wider than the remaining portion of the plat of the subdivision.

e. The size of each sheet shall be 18 by 24 inches.

f. A margin line shall be drawn completely around each sheet leaving an entirely blank margin of at least three inches on the left side and at least one-half inch on each of the other three sides.

g. If more than two sheets are used, provide an index of the entire subdivision showing the arrangement of all sheets. Each sheet shall be numbered.

h. The plat title, date, scale, quarter-quarter section and north arrow shall be shown on each appropriate sheet of the final plat.

i. All signatures placed on the final plat shall be original signatures written in permanent black ink.

4. The survey of the proposed subdivision and preparation of the plat shall be made by or under the supervision of a registered land surveyor of the state of Washington who shall certify on the plat that it is a true and correct representation of the lands actually surveyed.

5. Permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being subdivided. The public works director shall determine the number and location of permanent control monuments within the plat, if any. The type of monument will conform to the standards adopted by the city council.

L. Special Use Permit for Secure Community Transition Facility.

1. The applicant shall submit the following plans and notification procedures as part of the application. These plans and notification procedures shall be forwarded to the Yelm police department for review and recommendation to the hearing examiner.

a. The staffing and security plan for the proposed secure community transition facility.

b. An escape search plan and procedures for immediate public notification of escapes. (Ord. 995 § 12 (Exh. A), 2015).

Chapter 18.70

WIRELESS COMMUNICATION FACILITIES

Sections:

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- 18.70.090 Maintenance of facilities.
- 18.70.100 Abandonment.
- 18.70.110 Radio frequency standards.

18.70.010 Intent.

It is the intent of this chapter to:

- A. Manage the location of wireless communication facility (WCF) towers and antennas in the city of Yelm. A WCF is a facility for the transmission and/or reception of radio or microwave signals used for commercial communications. A WCF can be either freestanding (equipment mounted on a freestanding support structure), or attached (equipment affixed to or erected upon existing buildings, utility poles, or other existing structures);
- B. Protect residential areas and other land uses from potential adverse impacts of WCFs;
- C. Minimize adverse visual impacts of WCFs through careful design, siting, landscape screening, and innovative camouflaging techniques;
- D. Accommodate an increased need for WCFs to serve the wireless communications needs of city residents;
- E. Promote and encourage co-location on freestanding WCFs as an option rather than construction of additional single-use WCFs, and reduce the number of such structures needed in the future. Co-location means the use of a single support structure and/or site by more than one wireless communications provider;
- F. Consider the public health and safety of WCFs to the extent permitted by federal law; particularly the 1996 Federal Communications Act and regulations promulgated by the Federal Communications Commission (FCC); and
- G. Avoid potential damage to adjacent properties through sound engineering practices and the proper siting of WCFs. (Ord. 995 § 12 (Exh. A), 2015).

18.70.020 Exemptions.

The following are exempt from the provisions of this chapter:

- A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (FCC);
- B. Antennas and related equipment that are being stored, shipped, or displayed for sale;
- C. Radar systems for military and civilian communication and navigation;
- D. Wireless radio utilized for temporary emergency communications in the event of a disaster;
- E. Licensed amateur (ham) radio stations;

F. Residential antennas;

G. Satellite dish antennas less than two meters in diameter, including direct to home or business satellite services, when used as an accessory use on a property;

H. Routine maintenance or repair of a WCF and related equipment;

I. Subject to compliance with all other applicable standards of this chapter, a building permit application need not be filed for emergency repair or maintenance of a WCF until 30 days after the completion of such emergency activity;

J. A “cell on wheels” (COW) or other temporary WCF for a maximum of 90 days during an emergency declared by the federal, state, or local government;

K. AM/FM radio and television broadcast facilities or towers.

L. Temporary WCF for coverage of a special event, subject to written approval by the city. WCF is deemed temporary if it is in place for up to one week prior to and after the event.

M. Temporary WCF installed for not more than one hundred eighty days, during repair, replacement, or relocation of an existing WCF or construction of a new WCF. (Ord. 995 § 12 (Exh. A), 2015).

18.70.030 Location.

A. Priority Locations.

1. Place antennas and towers on public property if practical.
2. Place antennas on appropriate rights-of-way and existing structures, such as building, towers, water towers and smokestacks.
3. Place antennas and towers in the industrial (I), large lot commercial (C-3) and heavy commercial (C-2) zoning districts.

B. Secondary Locations.

1. Place antennas and towers in the commercial (C-1), central business district (CBD), and residential districts.

C. Prohibited Locations.

1. WCFs are prohibited on day-care center properties, properties immediately adjacent to day-care centers, public or private schools, properties immediately adjacent to public or private schools.
2. Attached WCFs are prohibited on single- or two-family dwellings.
3. WCFs are prohibited on sites or structures that are on federal, state, or county recognized historic registers.
4. WCFs are prohibited within critical areas and critical area buffers. (Ord. 995 § 12 (Exh. A), 2015).

18.70.040 Third party technical review.

The site plan review committee may require technical review by a third party as part of the permit review process. The selection of the third party expert shall be by mutual agreement by the provider and the site plan review committee. The costs of the technical review shall be borne by the applicant. Based on the results of the expert review, the site plan review committee may require changes to the WCF applicant's submittal. A third party technical review may include, but is not limited to, a review of:

- A. The technical accuracy and completeness of submissions;
- B. The technical applicability of analysis techniques and methodologies;
- C. The validity of conclusions reached by the applicant; and/or

D. Other specific technical issues as identified by the site plan review committee. (Ord. 995 § 12 (Exh. A), 2015).

18.70.050 Co-location.

To minimize adverse visual impacts associated with the proliferation of WCFs, co-location is encouraged. The city may deny an application to construct new facilities if the applicant has not made a diligent effort to mount the facilities on an existing freestanding or attached WCF or other communication tower. At a minimum, this requires an assessment of any existing towers that have the location, as well as the existing or potential height, structural capability and equipment structure area, to serve the applicant's needs, a written request to those tower owners to co-locate on their facilities, and a good faith effort to work with those tower owners to co-locate. (Ord. 995 § 12 (Exh. A), 2015).

18.70.055 Franchise required.

Pursuant to Title 15 YMC, the applicant shall obtain and execute a Franchise agreement granting a non-exclusive right to use public right-of-way. Attachment of WCFs on an existing traffic signal, street light pole, or similar structure shall require written evidence of a license, or other legal right or approval, to use such structure by its owner. In its sole discretion, the city may prohibit or restrict the attachment of WCFs on certain city-owned poles, including without limitation, ornamental street light poles.

18.70.060 Design standards for freestanding WCF towers.

A. Maximum Height.

1. One hundred fifty feet including antennas for WCF towers located in a priority location or 60 feet in a secondary location.
2. Modification to the maximum height may be granted by the approval authority if the applicant can show by clear and convincing evidence that the additional height is necessary to provide adequate service to the residents of the city and no other alternative with lesser impacts is available.

B. Setbacks. The setback shall be measured from the base of the WCF tower to the property line of the parcel on which it is located.

1. One hundred ten percent of tower height, including antennas.
2. A maximum 50 percent reduction to the setbacks may be granted by the approval authority, in a priority location only, if the WCF is built to a minimum wind stagnation pressure of 100 miles per hour, and an exposure and gust coefficient factor of C as listed in Tables 16-F and 16-G of the 1997 Uniform Building Code, as amended.
3. Further reduction to a minimum setback of 50 feet may be granted by the approval authority, in a priority location only, if the applicant can demonstrate that without adding more than minimal screening the alternate location is substantially screened on all sides by existing vegetation, buildings or topography, or that such location better preserves view corridors for adjacent property owners and the public.

C. Co-location. All freestanding WCF towers shall be designed and constructed to fully accommodate at least two additional WCF providers, including an area for each co-locator's equipment near the base of the tower, each comparable in size to the area required by the applicant, unless the applicant demonstrates why such design is not feasible for technical or physical reasons.

D. Separation.

1. Freestanding WCF towers shall be a minimum of 1,400 feet from another freestanding WCF tower or other communication tower.
2. Separation distances shall be measured from tower to tower regardless of property lines and roadways.
3. The separation may be reduced by up to 50 percent under the following circumstances:

- a. Where the proposed freestanding WCF and an existing freestanding WCF or other communication tower are within a priority location;
- b. Where the proposed freestanding WCF and an existing freestanding WCF or other communication tower are within substantially different view corridors as determined by the approval authority; or
- c. Where it is clearly demonstrated by the applicant that from a technical standpoint a reduced separation is necessary.

4. Freestanding WCFs may be clustered within all industrial districts so long as all WCFs within the cluster are more than 500 feet from residential zoning districts and any property with an existing residence.

E. Siting and Screening.

1. Siting. Significant visual impacts of a WCF, from the front and rear of any residence on adjacent properties and for any residence across the roadway from the WCF, shall be minimized to the maximum extent feasible through careful siting. At no time shall a WCF be attached to a tree; or to use any tree to attach any metal guy or cable supporting any attached antenna.

2. Color. WCF towers and antennas shall have a nonglare finish in a gray, blue, green or other color to blend with the surroundings or horizon unless a different color is required by the FCC or FAA. The finish must be approved by the approval authority.

3. Screening. If the area within 50 feet of the site perimeter is treed such that substantial year-round screening of the WCF site is provided, as determined by the approval authority, prior to the issuance of building permits, the applicant shall cause an easement signed by the property owner to be recorded with the county auditor establishing a tree retention buffer. A copy of the recorded easement shall be provided to the planning department. The buffer shall be a minimum of 50 feet wide and shall extend around the perimeter outside of the fenced tower site, excluding the access point. This buffer must extend into the adjacent property if the tower setback has been reduced such that the buffer will not fit entirely on the subject property. The approval authority may require the buffer area to be enhanced to provide the desired level of screening for the ground level facilities. Any tree within the buffer that dies or is removed due to disease or windthrow shall be replaced during the next planting season with a minimum of two conifer trees a minimum of six feet in height at the time of planting. The buffer shall be maintained so long as the tower is located on the site.

If site is not a treed area: a minimum 20 foot-wide buffer around the perimeter outside of the fenced site, excluding the access point, shall be planted with site-obscuring conifer trees. The trees shall be planted six feet on center in at least three offset rows. The trees shall be a minimum of six feet in height at the time of planting and shall be maintained in a green and growing state so long as the tower is on the site. Planting shall occur prior to the tower becoming operational.

The approval authority may modify the screening requirements where existing structures on site, existing vegetation along the parcel perimeter, or topography provide adequate screening.

F. Security.

1. A minimum six-foot-high chain link fence with privacy slats and topped with three strands of barbed wire shall be installed around the perimeter of the site for public safety and security purposes. Alternate methods of fencing may be approved if a level of public safety and security similar to that provided by the previously described fence can be clearly demonstrated. The fence and privacy slats shall be a deep green or other color which blends in with the surrounding environment. The fence will require a building permit. Access to the tower shall be through a locked gate.

2. All freestanding WCFs shall be fitted with anti-climbing devices.

G. Parking/Access. At least one parking space, plus adequate turnaround area, shall be provided. The access road, parking and turnaround areas shall have paved, gravel or other all-weather surface. The access road must be a minimum of 10 feet wide.

H. Signals, Lights and Signs. No signals, lights or signs shall be permitted on a WCF unless required by the FCC or FAA, except that all WCFs shall have a sign posted on the access gate with the WCF provider name, contact phone number and emergency phone number on it.

I. Outdoor Storage. Outdoor storage of motor vehicles or materials associated with the WCF is prohibited outside of the fenced area installed pursuant to subsection F of this section.

J. Noise and Interference. WCFs shall not exceed noise standards as defined in Chapter 173-60 WAC or cause interference with electrical, transmission or reception functions or cause similar disturbances. (Ord. 995 § 12 (Exh. A), 2015).

18.70.070 Design standards for attached WCFs.

A. Maximum Height. In a priority location, 28 feet above the building roof or top of structure on which it is mounted. In a secondary location, 10 feet above the building roof or top of structure on which it is mounted.

B. Setbacks. Attached WCF and transmission equipment mounted on building walls or roofs shall not extend over property lines nor into required front, side or rear yard areas; provided, that the site plan review committee may approve an encroachment into a required yard up to two feet for an antenna mounted on the face of wall of a building or structure if the antenna is camouflaged to blend into the architecture of the building or structure on which placed. Antennas mounted on rooftops or atop water tanks shall be set back horizontally from the vertical edge of the structure one foot for every foot of elevation above the roof or tank; or at center or nearest to center when horizontal/vertical measurements.

C. Wall-Mounted. If the antenna is mounted on a wall, it shall be as flush to the wall as technically possible.

D. Architectural Compatibility, Screening and Camouflaging. The antenna shall be architecturally compatible with the building and wall on which it is mounted, and shall be constructed, finished, or fully screened to match as closely as possible the color and texture of the building and wall. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the WCF or designed to blend with the building on which it is mounted.

E. Equipment Structures. Equipment structures mounted on a building roof shall either be hidden from view at ground level off-site or have a finish similar to the exterior building walls. Equipment for an attached antenna may also be located within the building on which the antenna is mounted. At no time shall a WCF be attached to tree; or to use any tree to attach any metal guy or cable supporting any attached antenna.

F. Signals, Lights, and Signs. No signals, lights or signs shall be permitted on an attached WCF unless required by the FCC or FAA.

G. Outdoor Storage. Outdoor storage of motor vehicles or materials associated with the WCF is prohibited.

H. Noise and Interference. WCFs shall not exceed noise standards as defined in Chapter 173-60 WAC or cause interference with electrical, transmission or reception functions or cause similar disturbances. (Ord. 995 § 12 (Exh. A), 2015).

18.70.075 Design standards for WCF in public right-of-way, not on WCF towers.

A. Maximum size.

1. Antennas shall be no larger than three cubic feet in volume.
2. Associated equipment shall be no larger than 28 cubic feet in volume.

B. Maximum height:

1. For WCFs located on utility distribution poles, no more than fifteen feet above the height of the pole to which the WCF is being attached, but in no event higher than a total of forty feet.
2. For WCFs located on street light poles, no more than eight feet above the height of the street light pole, but in no event higher than a total of forty feet. If a replacement street light pole is necessary to accommodate the attachment, the height limitations shall be measured as if the WCF was being installed on the street light pole that previously existed in that location.

3. For WCFs located on new, stand-alone poles, no more than ten feet above the height of any other existing poles located within five hundred feet of the proposed new pole location, but in no event higher than a total of forty feet.
4. Notwithstanding any of the foregoing, the maximum height limits may be modified by the director through the variance process described in Title 18.

C. Design requirements.

1. All WCFs in the right-of-way shall be constructed out of or finished with non-reflective materials (visible exterior surfaces only).
2. The color of stand-alone poles in the right-of-way constructed to accommodate WCFs shall be compatible with the colors of other poles in the right-of-way in the immediate vicinity.
3. Camouflage/Concealment. All WCFs and any transmission equipment shall, to the extent feasible, use camouflage design techniques including, but not limited to the use of materials, colors, textures, screening, undergrounding, or other design options that will blend the WCF to the surrounding natural setting and/or built environment. Design, materials and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation located in the right-of-way and on adjacent parcels.
4. Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, view, and/or community features). Should the director determine that WCFs are located in these areas of heightened importance, they shall be designed to minimize their profile at the request of the director.
5. The camouflage design may include the use of base stations and other structures should the director determine that such design meets the intent of this title and the community is better served thereby.
6. Poles and WCFs in the right-of-way should use existing landforms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment.
7. Poles shall be architecturally compatible with the surrounding area.
8. Poles and WCFs in the right-of-way shall be compatible with the surrounding topography, trees, and foliage.
9. Poles and WCFs in the right-of-way shall include design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
10. To the extent feasible, pole-mounted small cell wireless facilities shall be located on, or within an existing or replacement utility pole serving the city, or another utility and shall be camouflaged and concealed consistent with other existing natural or manmade features near the location where the facilities will be located.
11. If there are no reasonable alternatives, and the applicant is authorized to construct the new stand-alone poles or a replacement pole, to the extent reasonably feasible, such poles shall:
 - a. Be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the new stand-alone pole;
 - b. Be sized to minimize the negative aesthetic impacts to the right-of-way and adjacent property;
 - c. Be designed such that any ground mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the reasonable discretion of the director, and may, where appropriate and reasonably feasible based upon technical, construction, and engineering requirements, require a flush-to-grade underground equipment vault;
 - d. Not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way. No stand-alone pole may be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with its use by the city, the general public, or other person authorized to use or be present upon the right-of-way, when an alternative exists that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with utilities, and any other activity that will present a hazard to public health, safety, or welfare;

e. Not be located within six-hundred feet of another freestanding WCF pole in the right-of-way. The director may exempt an applicant from these requirements if the applicant demonstrates that the minimum separation requirement cannot be satisfied for technical reasons, and if the director determines that the placement of a WCF at a distance less than six-hundred feet from another WCF will meet the intent of reducing visibility of WCFs to the extent possible; and

f. With respect to equipment enclosures, be located out of view as much as possible.

11. Antennas shall meet the following requirements:

a. antennas shall be mounted as close to the pole as is technically feasible and may be flush mounted, placed on the pole top, or mounted with a standoff bracket.

b. Antennas shall be of a neutral, non-reflective color that is closely compatible with the color of the supporting structure.

12. Aside from antennas, other transmission equipment for all WCFs shall meet the following requirements:

a. All other transmission equipment shall be grouped as closely as technically possible and reduce the overall visual impact of the WCF;

b. Other transmission equipment shall be located out of sight whenever possible by locating within equipment enclosures. Where such alternate locations are not available, the transmission equipment shall be camouflaged or concealed; and

c. Other transmission equipment shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage and concealment design techniques so as to make the equipment as visually unobtrusive as possible, including, for example, painting the equipment to match the structure or using a graphics wrap to blend the structure into the surrounding environment.

13. Any new wiring required to bring power to serve a WCF site shall be located underground.

D. Hazardous Materials. No hazardous materials shall be permitted in association with WCFs in the right-of-way, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.

E. Lighting. WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the city may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible to minimize the amount of glare and light falling onto nearby properties, particularly residences.

F. Noise. Noise generated on the site must not exceed the levels defined in Chapter 173-60 WAC or cause interference with electrical, transmission or reception functions or cause similar disturbances.

G. Adjacent residential uses. WCFs in the right-of-way shall be sited in a manner that evaluates the proximity of the facility to residential property. When placed near residential property, a stand-alone WCF (e.g. a new pole) shall be placed adjacent to the common side yard property line between adjoining residential properties, such that the WCF minimized visual impacts equitable among adjacent properties and minimized impacts existing trees within or next to the right-of-way. In the case of a corner lot, the WCF may be placed adjacent to the common side yard property line between adjoining residential properties, or on the corner formed by two intersecting rights-of-way. If these requirements are not feasible from a construction, engineering, or design perspective, the director may, in his/her sole discretion exempt the WCF from these requirements, through the variance process described in Title 18.

18.70.080 Design standards for WCF ground-mounted equipment structures.

A. Maximum height: 10 feet.

B. Fenced Enclosure. Equipment structures shall be within a fenced enclosure, unless associated with an attached WCF. Equipment structures associated with attached WCFs and located outside fencing must meet all building setbacks, screening and other standards of the underlying zoning district and must be designed to be architecturally compatible with the building near which it is placed. (Ord. 995 § 12 (Exh. A), 2015).

18.70.090 Maintenance of facilities.

All WCF facilities must be maintained in a good and safe condition, including fencing and landscaping buffers, and in a manner that complies with all applicable federal, state and local requirements. (Ord. 995 § 12 (Exh. A), 2015).

18.70.100 Abandonment.

A. No less than 30 days prior to the date that a WCF provider plans to abandon or discontinue operation of a facility, the WCF provider must notify the city by certified U.S. mail of the proposed date of abandonment or discontinuation of operation. In the event that a WCF provider fails to give notice, the facility shall be considered abandoned upon the city's discovery of discontinuation of operation. Upon such abandonment, the WCF provider or landowner shall remove the WCF and restore the site, or reactivate the WCF within one year.

B. City approval for the WCF shall expire one year from abandonment or immediately upon removal, whichever occurs earlier. (Ord. 995 § 12 (Exh. A), 2015).

18.70.110 Radio frequency standards.

Federal law provides that the federal government has sole jurisdiction to regulate in the field of radio frequency (RF) emissions.

~~A. WCF's shall not be conditioned nor denied based on RF impacts. The applicant shall comply with federal standards for radio frequency emissions. Within six months after the issuance of its operational permit, the applicant shall submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site and compare the results with established federal standards. Said report shall be subject to review and approval by the city council for consistency with federal standards. If on review, the city council finds that the WCF does not meet federal standards, the report shall include a recommendation as to whether or not the city council should revoke or modify the site plan review or special use permit, subject to appeal as provided Chapter 18.14 YMC as may be applicable.~~

~~B. Applicants for WCF permits shall be required to provide information as required in the application certifying compliance with federal standards. The applicant shall ensure that the WCF will not cause localized interference with the reception of area television or radio broadcasts. If on review the city finds that the WCF interferes with such reception, and if such interference is not cured within 60 days, the city may revoke or modify the site plan review or special use permit. (Ord. 995 § 12 (Exh. A), 2015).~~